FV

FRIEDMAN VARTOLO
LLP

VIA ELECTRONIC FILING   November 15, 2022

Honorable Rosemary Gambardella
United States Bankruptcy Court
District of New Jersey
50 Walnut Street
3rd Floor
Newark, New Jersey 07102

> **RE:**   *Jacobs v. Nationstar, et al*
>   Adversarial Proceeding No.: 16-01528-RG

Your Honor:

My office represents non-party BSI Financial Services ("BSI") in the above adversary proceeding. On Thursday, November 10, 2022, I was included on an email from mediator Harry Gutfleish, Esq. concerning upcoming mediation in this case. We write to request that the Court confirm that BSI is not a party to that mediation.

Please recall that in September 2020, Your Honor ruled on the record that BSI is not a party to these proceedings and that the Debtor's amended complaint, which sought to add BSI as a party defendant, was rejected by the Court.   On September 30, 2020, Glenn P. Berger, Esq., Debtor's prior counsel, uploaded a letter (Doc. No. 75) memorializing Your Honor's directive that "BSI is not currently a party to [this] adversary proceeding."

I am not clear whether Mr. Gutfleish included me on his email about upcoming mediation per a new directive from Your Honor or because I represented BSI in a 2019 mediation in this matter with Mr. Gutfleish in 2019 that predated Your Honor's directive that BSI is not a party to the case.

BSI is the successor loan servicer to adversary defendant Nationstar, LLC ("Nationstar"). As such, it is not a necessary party to this mediation. BSI's involvement with the subject mortgage loan post-dates Nationstar's and there are no claims pending against BSI.

We therefore respectfully ask that Your Honor either advise Mr. Gutfliesh that BSI is excused from the mediation, issue an order clarifying that BSI is excused from the mediation, or issue a Mediation Order that excludes BSI from the necessary parties to the mediation.

1

Please feel free to reach out to me should you have any questions or concerns.

FRIEDMAN VARTOLO LLP
/s Michael Eskenazi
Michael E. Eskenazi, Esq.